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CITY AND COUNTY OF SAN FRANCISCO

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO
UNLIMITED JURISDICTION

COALITION FOR ADEQUATE
REVIEW; NINETY-NINE PERCENT;
and ROB ANDERSON,

Petitioners,

vs.

CITY AND COUNTY OF SAN
FRANCISCO; and DOES 1 through 10,
inclusive,

Respondents.

Case No. 505-509

**RESPONDENT CITY AND COUNTY
OF SAN FRANCISCO'S OPPOSITION
TO PETITIONERS' MOTION TO
COMPEL CERTIFICATION OF THE
RECORD**

Hearing Date: April 10, 2006
Hearing Judge: Judge Warren
Time: 9:30 p.m.
Place: Department 301

Date Action Filed: July 28, 2005

Attached Documents: Request for Judicial
Notice

ENDORSED
FILED
San Francisco County Superior Court

MAR 28 2006
GORDON FAHK-LI, Clerk
BY: WESLEY RAMIREZ
Deputy Clerk

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INTRODUCTION

Petitioners Coalition for Adequate Review (CAR), Ninety-nine Percent and Rob Anderson (collectively, "CAR") have challenged the San Francisco Board of Supervisors' decision regarding the environmental review under the California Environmental Quality Act ("CEQA") for the adoption of the 2005 update to the San Francisco Bicycle Plan. In the motion before the Court, CAR seeks to compel Respondent City and County of San Francisco ("the City") to certify an administrative record prepared by CAR. However, CAR's record is not an accurate reflection of the documents in front of the decision-makers when they determined that the Bicycle Plan was exempt from environmental review and voted to adopt the Bicycle Plan Update. The City cannot be compelled to certify an inaccurate record.

CAR's proposed record is inaccurate for three reasons. First, it contains over 1000 pages of documents that belong to the San Francisco County Transportation Authority, a non-City agency that is not a party to this lawsuit, cannot be made a party to this lawsuit, and has no authority over the adoption of the Bicycle Plan update or the environmental review given to it. These documents are therefore not properly part of the administrative record of a City decision.

Second, CAR's proposed record contains numerous documents created *after* the San Francisco Board of Supervisors adopted the Bicycle Plan update and affirmed the Planning Department's determination that the update was exempt from environmental review, which took place on June 7, 2005. Documents not in existence at the time of the decision cannot be part of the administrative record of that decision.

Finally, CAR's proposed record contains numerous documents that, although they concern bicycles, have no relevance to the adoption of the Bicycle Plan or the environmental review given to it. Not every document with the word "bicycle" in it contained in the City's files is part of the administrative record related to the decision challenged in this suit. Although these records may be judicially noticeable, CAR is required to bring a properly noticed request for judicial notice at the appropriate time. The City cannot be compelled to add them to the administrative record without a showing that they are relevant.

The Court should deny the motion to compel.

STATEMENT OF FACTS

Bicycles are legally allowed to use every street in San Francisco. In order to promote bicycling as an alternate form of transportation and reduce the dependence on the automobile, the San Francisco Board of Supervisors adopted the San Francisco Bicycle Plan, a policy document to guide City officials, agencies and departments in the City's efforts to make San Francisco's streets a safe and attractive environment for bicycles. For example, the 2005 Bike Plan Update seeks to: 1) increase safe bicycle use; 2) refine and expand existing bicycle routes; 3) ensure plentiful bike parking; 4) improve access to transit and bridges; 5) promote bike education; and 6) improve enforcement of traffic laws for both bikes and cars. The City's first bicycle plan was adopted in 1982 as part of the Transportation Element of the San Francisco General Plan. The Bicycle Plan was later adopted in 1997 as a separate document. The 1997 document, together with two amendments, was readopted in May 2001. Finally, on June 7, 2005, the Board adopted another update to the Bike Plan, called the 2005 San Francisco Bicycle Plan: Policy Framework (hereinafter, "Framework").

After reviewing the Framework, the San Francisco Planning Department determined that the policy document was exempt from environmental review under CEQA because there was no possibility that the adoption of it would have a significant effect on the environment. The San Francisco Board of Supervisors unanimously upheld the Planning Department's determination and adopted the Framework on June 7, 2005.

On July 28, 2005, CAR filed a Petition for Writ of Mandate against the City, challenging the City's determination that the Framework was exempt from environmental review. No other respondents besides the City have been named. On August 9, 2005, CAR filed a First Amended Petition. A hearing on the merits of the Petition is currently set for May 16, 2006.

CAR elected to prepare the record, as allowed by CEQA, Public Resources Code Section 21167.6(b)(2). This section states: "The plaintiff or petitioner may elect to prepare the record of proceedings . . . , *subject to certification of its accuracy by the public agency . . .*" (emphasis added). Generally, petitioners will elect to prepare the record in an effort to control their costs to litigate a case, as the public agency is allowed to charge a petitioner for the cost of the record if the

1 public agency prepares it and is allowed to withhold the record if payment is not made. (Public
2 Resources Code § 21167.6(b)(1); California Code of Civil Procedure § 1094.6(c); *Black Historical*
3 *Society v. City of San Diego* (2005) 134 Cal.App.4th 670, 677.)

4 CAR collected numerous documents from various City and non-City agencies and
5 departments in its attempt to prepare the record. On January 27, 2006, CAR submitted a proposed
6 record. On February 9, counsel for the City notified counsel for CAR that the record could not be
7 certified as proposed, generally outlining the City's objections to the proposed record, and
8 specifically mentioning that the documents from the San Francisco County Transportation
9 Authority (hereinafter, "Transportation Authority") were not part of the administrative record in this
10 case. On March 1, 2006, counsel for the City again wrote to counsel for CAR, this time outlining
11 with particularity which documents required either addition or removal. Although the City
12 indicated that it was willing to compromise on specific documents, CAR has refused to remove the
13 1,300 pages of Transportation Authority documents and other City and irrelevant documents that
14 are not properly part of the record, save for a handful of pages.

15 CAR thereafter filed this motion to compel.

16 ARGUMENT

17 The documents in the proposed record to which the City objects fall into three main
18 categories. First, the proposed record contains documents from the Transportation Authority. The
19 Transportation Authority is not an agency of the City and County of San Francisco and is not a
20 party to the lawsuit. Second, the proposed record contains numerous documents prepared *after* the
21 Board of Supervisors upheld the Planning Department's CEQA determination on June 7, 2005.
22 Third, the proposed record contains numerous documents with no relevance to the Board's
23 decisions, other than the fact that the Board's decision and the documents involve bicycles.

24 I. DOCUMENTS FROM AGENCIES NOT A PARTY TO THIS LAWSUIT ARE NOT 25 PROPERLY PART OF THE ADMINISTRATIVE RECORD.

26 CAR claims that documents from the Transportation Authority must be part of the
27 administrative record. CAR is wrong. The City cannot be compelled to certify as accurate a record
28 containing documents from non-parties and non-City entities.

1 **A. The Only "Respondent Public Agency" is the City and County of San**
2 **Francisco.**

3 CAR argues that many of the TA's documents fall under the numerous categories of
4 documents that should be included in an administrative record, as set forth in Public Resources
5 Code Sections 21167.6(e) (2), (3), (4), (7), (8) and (10). (See Opening Brief at p. 13). However,
6 even a cursory reading of that statute compels the conclusion that CAR is wrong. Public Resources
7 Code Sections 21167.6(e) (2), (3), (4), (5), (7), (8), and (10) all note that the documents must be
8 those of the "*respondent public agency*." (Emphasis added). The Transportation Authority is *not*
9 the "respondent public agency." They have not been named as a respondent in this lawsuit. Only
10 the City – and its departments or agencies – qualify as a "respondent public agency."

11 **B. The Transportation Authority is Not an "Agency" of the City.**

12 CAR claims that the Transportation Authority is an agency of the City and that, therefore,
13 documents in the possession of staff at the Transportation Authority are properly part of the
14 proposed record. But, the Transportation Authority is not an agency of the City and County of San
15 Francisco. The Transportation Authority is a special funding district created by the voters of San
16 Francisco under the Bay Area County Traffic and Transportation Funding Act, California Public
17 Utilities Code Section 131000 *et seq.* ("the Act"). This Act allows the creation or designation of a
18 local transportation authority and allows the authority to impose a sales tax in the county to fund
19 local transportation needs and issue bonds to be paid from the sales tax. (Public Utilities Code
20 § 131001(e); see generally *San Bernardino Associated Governments v. Superior Court* (2006) 135
21 Cal.App.4th 1106, 1110 [explaining similar transportation authority scheme in southern California].)

22 The Transportation Authority in San Francisco administers a ½ cent sales tax on all retail
23 sales in the City. San Francisco voters approved this tax in 1989 (Proposition B) and again in 2003
24 (Proposition K). Under the terms of Proposition K, revenue collected from the ½ cent sales tax may
25 be expended on bicycle related transportation projects. Because of Proposition K, when and if the
26 City decides to implement a particular bike project, the Transportation Authority is authorized, but
27 not required, to fund it.
28

1 Although it collects tax on retail sales only in San Francisco and although the
2 commissioners on the Transportation Authority are the members of the Board of Supervisors, the
3 Transportation Authority is not an agency or department of the City and County of San Francisco.
4 Indeed, although money collected by the Transportation Authority is used for projects in San
5 Francisco, the projects need not be City-sponsored projects, but can include projects sponsored by
6 other agencies that operate both inside and outside of San Francisco, such as BART or Caltrain.
7 (see San Francisco Admin. Code, Appendix 67, attached as Exhibit A to Respondent's Request for
8 Judicial Notice.)

9 Unlike a City department or commission whose responsibilities are outlined in the San
10 Francisco Charter, the duties of the Transportation Authority are specifically limited and articulated
11 in the California Public Utilities Code. Under this state law, the Transportation Authority can sue
12 and be sued. (Pub. Util. Code § 131281, 131282.) It may enter into contracts, including contracts
13 with the City. (*Id.* § 131283, 131284.) It has its own budget (*Id.* § 131265(a); § 131266), its own
14 administrative code (*Id.* § 131265(b)), and its own staff (*Id.* § 131107). It may provide for the
15 retirement of its employees. (§ 131269.) The Court of Appeal recently held that a transportation
16 authority and the county it serves are, indeed, separate entities. (*San Bernardino Associated*
17 *Governments v. Superior Court* (2006) 135 Cal App. 4th 1106, 1122 [transportation authority in San
18 Bernardino County separate entity than San Bernardino County Board of Supervisors].)

19 That the Transportation Authority commission is made up of the members of the San
20 Francisco Board of Supervisors is of no significance, despite CAR's claims to the contrary. If the
21 Legislature had seen fit to modify the transportation authority scheme specifically for the City and
22 County of San Francisco, it knew how to do so, but it did not. For example, under the Act, the
23 terms "county transportation authority," "Board of Supervisors" and "County" are all generically
24 defined. (See Pub. Util. Code § 131007 ["county transportation authority" means any authority
25 created pursuant to the Act], § 131005 [county includes "city and county"], § 131006 ["board of
26 supervisors" means the Board of Supervisors of the nine counties under the Act].) However, in
27 Section 131003, the Legislature specifically includes a separate definition for just for San
28 Francisco: "[f]or the purposes of the City and County of San Francisco, . . . ["city selection

committee"] means the Mayor of the San Francisco." (*Id.* § 131003.) Thus, if the legislature sought to modify the scheme of the Act in order to have the Transportation Authority be the same entity as the City itself, it knew how to do so. Even Propositions K and B, which established the Transportation Authority in San Francisco, separately defines "Authority" as the "San Francisco County Transportation Authority" and "District" as the City. (San Francisco Admin. Code App. 67, § 1402(a) and (b).) Thus, the rights and duties of a transportation authority as articulated in the Act are the rights and duties of the authority, not the rights and duties of the counties for which they are created.

Thus, because the Transportation Authority is a separate governmental entity and not an agency of the City, documents in the TA's files are not City documents, and the City has no authority to certify them as accurately part of the administrative record of a City decision. Any documents related to bicycles or the Bike Plan solely in the possession of the Transportation Authority cannot be part of the official administrative record challenging a City decision, and the Court should deny the motion to compel the inclusion of the Transportation Authority documents.

C. The Transportation Authority is Not a "Responsible" Agency Under CEQA.

CAR also argues that the Transportation Authority is a "responsible agency" under CEQA, and thus the Transportation Authority's documents related to bicycles are relevant. This argument has no merit. Under CEQA, a responsible agency is an agency that proposes to carry out or approve a project, for which a lead agency (here, the City) is preparing or has prepared an environmental impact report or negative declaration. (Cal. Code Regs., tit. 14, ch. 3, ["CEQA Guidelines"] § 15381.) For the purposes of CEQA, the term "responsible agency" includes all public agencies "other than the lead agency which have *discretionary approval power* over the project." (*Id.*)

Because the Transportation Authority does not have discretionary approval power over the Policy Framework, the Transportation Authority is not a responsible agency under CEQA.¹ The

¹ The Policy Framework is strictly a policy decision by the San Francisco Board of Supervisors. Thus, there are *no* responsible agencies. Because there are no responsible agencies, San Francisco was not required to prepare a list of responsible agencies pursuant to Public Resources Code Section 21167.6.5(b).

1 Policy Framework is merely a policy document providing the City with a blueprint for the
2 accommodation of bicycles on San Francisco streets. The Transportation Authority has no
3 authority to interfere, approve or disapprove this policy question. Nothing in the adoption of the
4 Framework is within the jurisdiction of the Transportation Authority. The Transportation Authority
5 may, at some future time decide to fund a new bike facility identified in the Framework as
6 worthwhile. *At that time*, the Transportation Authority may become a responsible agency for that
7 particular project. However, it is not a responsible agency with respect to the San Francisco Board
8 of Supervisor's policy decision to approve the Framework , or determine that it will have no
9 environmental impacts.

10 In sum, because the Transportation Authority is not a City agency, the City cannot be
11 compelled to certify a record containing Transportation Authority documents. The Petition does not
12 challenge any Transportation Authority decision, nor has CAR named the Transportation Authority
13 as a party to their lawsuit. Therefore, documents from the Transportation Authority are not properly
14 part of the administrative record.

15 **II. DOCUMENTS CREATED AFTER THE BOARD DECISION TO UPHOLD THE**
16 **PLANNING DEPARTMENT'S CEQA DETERMINATION AND ADOPT THE**
17 **BICYCLE PLAN ARE NOT PROPERLY PART OF THE ADMINISTRATIVE**
18 **RECORD.**

19 CAR's proposed record includes numerous documents that were created only after the Board
20 of Supervisors upheld the CEQA determination of the Planning Department and approved the
21 Framework. The Board voted on these matters on June 7, 2005. Thus, anything after that date is
22 not properly part of the administrative record of a legislative decision made on that date.

23 Documents created after a public agency has made its decision are not relevant. (*Del Mar*
24 *Terrace Conservancy v. City Council* (1992) 10 Cal.App.4th 712, 744, disapproved on other grounds
25 in *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 576 fn 6.) Thus, the City
26 cannot be compelled to certify any documents created after June 7, 2005.

27 To the extent that CAR seeks to have the Court consider these records, CAR should file a
28 proper motion at the appropriate time, bearing in mind the standards for allowing extra-record

evidence set forth in Code of Civil Procedure Section 1094.6(e) [extra-record evidence in mandamus proceedings], or in Evidence Code Sections 451 or 452 [judicial notice].

III. DOCUMENTS NOT PART OF THE BOARD'S FILE ON THE ADOPTION OF THE BICYCLE PLAN OR THE HEARING ON THE APPEAL OF THE CEQA DETERMINATION ARE NOT PART OF THE ADMINISTRATIVE RECORD

Finally, CAR seeks to include numerous documents related to other bicycle projects implemented in the past, which documents are not properly part of this administrative record. For example, CAR seeks to add numerous documents related to a series of traffic circles installed, and then removed, on Page Street between 2000 and 2004. (See Volume 11 2400-2440, attached as Exhibit D-3 to Declaration of Mary Miles). CAR also seeks to include ordinances approving other bicycle projects, such as an ordinance accepting grant money from the Bay Area Air Quality Management District's Transportation Fund for Clean Air to order to purchase and install bike racks in various locations in San Francisco (See Volume 8, p. 1735, attached to Exhibit D-2 to the Declaration of Mary Miles), and a resolution commending the San Francisco Bicycle Coalition for its efforts to teach middle school students about bicycle skills and safety. (*Id.* at p. 1743.)

Although these documents are legislative files of the City, they are not part of the administrative record in this case, although they might be subject to judicial notice. At the appropriate time, CAR may attempt to show that they are relevant and properly judicially noticed in this action. (*People v. Rowland* (1992) 4 Cal.4th 238 [judicial notice cannot be taken of any matter that is irrelevant].) While the City acknowledges that over the years the City has implemented numerous bicycle-related projects, not every bicycle improvement ever implemented is part of the administrative record that is the subject of this challenge – the Board's legislative decision to adopt an update of the Bike Plan in June 2005, or the Board's decision to uphold the Planning Department's CEQA determination. Indeed, under CAR's theory of inclusion, the administrative record should contain every ordinance, resolution or motion ever passed by the Board related to bicycles in San Francisco.

In any event, even if these other ordinances or resolutions were relevant, in many instances, CAR has only added the actual resolutions or ordinance, even when the resolution or ordinance incorporates by reference other documents. For example, Volume 8, pages 1738 to 1740, is a copy

1 of the May 2001 Resolution No. 401-01 (see Exhibit D-2 to Declaration of Mary Miles), in which
2 the Board of Supervisors re-adopted the 1997 San Francisco Bike Plan and two addenda. The
3 Resolution references the 1997 Bike Plan as well as the addenda as "in the file" and "declared to be
4 a part of this resolution as if set forth fully herein," but none of these documents are contained in the
5 proposed record. Should the Court take judicial notice of this or any other resolution or ordinance,
6 the entire certified legislative file should be included.

7 **IV. THE CASES TO WHICH CAR CITES DO NOT SUPPORT ITS POSITION.**

8 CAR cites to no cases which show that the City can be compelled to certify a record it does
9 not consider accurate. CAR's reliance on *County of Orange v. Superior Court* is misplaced (*County*
10 *of Orange v. Superior Court* (2003) 113 Cal.App.4th 1.) There, a developer sought to build a
11 housing development in southern California. The county prepared an environmental impact report
12 ("EIR"), and purported to approve the project by a tie 2-2 vote. Opponents of the project challenged
13 the vote, and the Court of Appeal affirmed that the county could not approve the project by a tie
14 vote. After the Court of Appeal decision, the project developer then sought to have the housing
15 development (albeit a much smaller version) approved, and county staff prepared an addendum to
16 the original EIR for the smaller version of the development. The county, however, determined that
17 a new EIR, not just an addendum, was necessary. County staff then prepared another EIR for an
18 even slightly smaller development, which was ultimately approved. The project opponents
19 challenged the new EIR. The county certified a record with both the old and new EIR, as well as
20 the addendum to the old EIR. The opponents argued that the old EIR and the addendum should not
21 be part of the administrative record as they are not part of the "project" that was approved. The
22 Court disagreed, and held that the old versions of the project were properly part of the record used
23 to approve the newest version of the project. Thus, the old EIR and the addendum were properly
24 part of the administrative record in the challenge to the new EIR.

25 Unlike in *County of Orange*, CAR does not seek to include in the record previous versions
26 of environmental documents prepared in conjunction with previous versions of the Policy
27 Framework. CAR seeks to include records of administrative agencies that are not part of the
28 lawsuit and not part of the City, records created after the Board of Supervisors voted to uphold the

1 Planning Department's CEQA determination, and records that are irrelevant to whether the City has
2 complied with CEQA in approving the Framework. CAR seeks to include any document with the
3 word "bicycle" in it in any file in any government agency in the City of San Francisco. *County of*
4 *Orange* does not require such a result.

5 *Bruce v. Gregory* is also easily distinguishable. (*Bruce v. Gregory* (1967) 65 Cal.2d 666.)
6 There, the Court held that when determining whether a petition for writ of mandate should be
7 issued, or whether it should not be issued because the petition was moot, a court may consider facts
8 that took place after the petition was filed. (*Id.* at 671.) In that case, a taxpayer challenged the
9 county tax collector's restrictions on when he could examine the tax collector's records. The Court
10 held that the tax collectors regulations were too strict and invalid. In the Court's discretion, instead
11 of issuing a writ, the Court required the tax collector to implement new regulations. The tax
12 collector complied, the Court reviewed the new regulations and found them valid, and the Court
13 thereafter denied the writ. The taxpayer appealed, claiming that the court should not have denied
14 the writ based on the new regulations. The Court of Appeal disagreed and held that a "court in
15 mandamus proceedings [may] apprise itself of facts that arise after pleading which render the
16 dispute moot or make the remedy useless." (*Id.* at 671.) The City makes no claim that the Petition
17 here is moot or that the remedy sought in the Petition is useless.²

18 CAR fails to even mention the preeminent case on administrative records in a CEQA case,
19 *Western States Petroleum Association v. Superior Court* (1995) 9 Cal.4th 559. In *Western States*,
20 the petitioner sought to add evidence outside the administrative record. The Supreme Court
21 confirmed that a court may consider only the administrative record in determining whether a quasi-
22 legislative decision was supported by substantial evidence under CEQA and that it would be
23 improper to take judicial notice of evidence that was not before the agency at the time it made its
24 decision. (*Western States* at 573- 574 n.4.) The Court held "extra-record evidence can never be
25

26 ² This case might be analogous if the Court found that the Board erred in adopting the Bike
27 Plan, sent the Plan back to the Board for further proceedings, the Board then re-adopted the Bike
28 Plan in a way consistent with the Court's opinion, the Court found the re-adopted Bike Plan valid,
and then denied Petitioner's Writ. None of these events have happened.

1 admitted merely to contradict the evidence the administrative agency relied on in making a quasi-
2 legislative decision or to raise a question regarding the wisdom of that decision." (*Id.* at 579.)

3 **V. THE CITY'S REVIEW OF THE PROPOSED RECORD IS NOT LIMITED TO**
4 **WHETHER THE DOCUMENTS HAVE BEEN ALTERED.**

5 As noted above, under Public Resources Code Section 21167.6(b)(2), the petitioner in a
6 CEQA case may elect to prepare the record, subject to certification of its accuracy by the
7 administrative agency. CAR argues that the public agency's review of the proposed record's
8 "accuracy" is whether the documents contained in the proposed record are actual photocopies of the
9 documents in the agencies' files or, presumably, whether they have been altered.

10 CAR cites to no cases to support its novel theory because there are none. CAR's election to
11 prepare the record under Public Resources Code Section 21167.6(b)(2) is not *carte blanche* to
12 include every piece of paper related to bicycles in the archives of the City that CAR sees fit to
13 include, nor does it compel the City to certify any document that has not been altered. As the
14 respondent public agency, the City must determine whether the proposed record is the actual
15 administrative record that was before the agency and can certify only what it finds accurately part of
16 the record. (*See California Administrative Mandamus* (Cal CEB 2003) April 2005 Update at p.
17 114.3 ["if the petitioner prepared the record and the agency believes it contains items not properly
18 part of the record, the agency will refuse to certify the record until those items are removed..."].)
19 Otherwise, CAR, or any other petitioner, could elect to prepare the record and compile a collection
20 of any documents they choose and the public agency would be forced to "certify" it as accurate, so
21 long as none of the documents were altered.

22 Of course, the City's responsibility for certifying a record as accurate is far more extensive.
23 Even when a petitioner elects to prepare an administrative record, the responsibility for the record
24 falls squarely on the public agency. (*Protect Our Water v. County of Merced* (2003) 110
25 Cal.App.4th 362, 373.) Without the ability to determine substantively whether the record contains
26 the required documents, and only the required documents, no public agency would be able to
27 adequately shoulder its responsibility.
28

1 **VI. THE CITY DOES NOT OBJECT TO A MOTION TO CONTINUE THE HEARING**
2 **DATE.**

3 CAR also seeks an amendment of the briefing schedule and hearing date set for this case.
4 The City does not object to a modification of those dates, and, indeed, agrees that possession of a
5 certified record is a prerequisite to drafting a brief. However, due to counsel for the City's schedule,
6 the City would propose that the hearing be scheduled for August 1, 2006 or thereafter.

7 **CONCLUSION**

8 Despite the fact that the Petitioners have elected to prepare the record, it is ultimately the
9 City's responsibility to present a well-documented and accurate record of proceedings. The City
10 cannot be compelled to certify a record that is inaccurate.

11 The Court should deny the motion.

12 Dated: March 28, 2006

13 DENNIS J. HERRERA
14 City Attorney
15 JUDITH A. BOYAJIAN
16 AUDREY WILLIAMS PEARSON
17 MARLENA G. BYRNE
18 Deputy City Attorneys

19 By: 

20 MARLENA G. BYRNE

21 Attorneys for Respondents
22 CITY AND COUNTY OF SAN FRANCISCO
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PROOF OF SERVICE

I, Catherine Pearson, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, City Hall, Room 234, San Francisco, CA 94102.

On March 28, 2006, I served the following document(s):

**Respondent City and County of San Francisco's Opposition to Petitioners' Motion
to Compel Certification of the Record and Respondent City and County of San
Francisco's Request for Judicial Notice**

on the following persons at the locations specified:

Mary Miles
Attorney at Law
364 Page Street, No. 36
San Francisco, California 94102

in the manner indicated below:

- ☐ **BY UNITED STATES MAIL:** Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.
- ☒ **BY PERSONAL SERVICE:** I sealed true and correct copies of the above documents in addressed envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service. A declaration from the messenger who made the delivery ☐ is attached or ☒ will be filed separately with the court.
- ☐ **BY FACSIMILE:** Based on a written agreement of the parties to accept service by fax, I transmitted true and correct copies of the above document(s) via a facsimile machine at telephone number (415) 554-4757 to the persons and the fax numbers listed above. The fax transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine, and a copy of the transmission report ☐ is attached or ☐ will be filed separately with the court.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed March 28, 2006, at San Francisco, California.



Catherine Pearson

EXHIBIT A

APPENDIX 67: SALES TAX FOR TRANSPORTATION

Proposition K, Adopted, November 4, 2003

Resolution approving a New Transportation Expenditure Plan and calling and providing for a special election to be held on November 4, 2003, to be consolidated with the General Municipal Election already scheduled for November 4, 2003, for the purpose of submitting to the voters an ordinance amending Sections 1401, 1402, 1403, 1404, 1405, 1406, 1408, 1413, 1414, and 1415 of, and adding Section 1419 to, Article 14 of the Business and Tax Regulations Code of the City and County of San Francisco so as to (1) authorize implementation of a New Transportation Expenditure Plan, directing the transactions and use tax ("sales and use tax") revenues to specific transportation improvements over the next 30 years and making provisions for the adoption of future expenditure plan updates; (2) continue collection of the sales and use tax at the existing level of one-half of one percent during implementation of the New Transportation Expenditure Plan and its updates; (3) continue in effect the San Francisco County Transportation Authority as the independent agency to administer the tax and oversee implementation of the projects; (4) authorize the San Francisco County Transportation Authority to issue limited tax bonds as needed, in a total outstanding aggregate amount not to exceed \$1,880,000,000 and which is payable from the revenue generated hereunder; (5) approve the California Constitution Article XIII B Appropriations Limit of \$485,175,000; (6) forbid the enjoining of collection of the tax; and (7) make recipient departments responsible for certifying that the tax revenues will not be substituted for property tax funds for existing programs.

RESOLVED, That the Board of Supervisors hereby approves the New Transportation Expenditure Plan unanimously recommended by the Expenditure Plan Advisory Committee established by the San Francisco County Transportation Authority, which New Plan would direct the use of revenues obtained from an extension of the transactions and use tax ("sales and use tax"); and, be it

FURTHER RESOLVED, That the Board of Supervisors hereby calls and provides for a special election to be held in the City and County of San Francisco on Tuesday, November 4, 2003, and is hereby consolidated with the General Municipal

Election of the City and County of San Francisco to be held Tuesday, November 4, 2003, for the purpose of submitting the following proposition:

~~Shall the City implement a 30-year New~~
Transportation Expenditure Plan directing transportation sales tax funds to improved maintenance of local streets, transportation for the elderly and disabled, the Central Subway, a citywide network of fast and reliable buses, the Caltrain Extension to a new Transbay Terminal, improvements to pedestrian and bicycle safety and other projects and continue the existing half-cent sales tax during implementation of the New Transportation Expenditure Plan and future Plan updates?

(a) The special election hereby called and ordered shall be held and conducted, and the votes thereat received and canvassed, and the returns thereof made and the results thereof ascertained, determined and declared as herein provided and in all particulars not herein recited said election shall be held according to the laws of the State of California and the Charter of the City and County of San Francisco providing for and governing elections in the City and County of San Francisco, and the polls for such election shall be and remain open during the time required by said laws.

(b) The said special election hereby called shall be and hereby is consolidated with the General Municipal Election of the City and County of San Francisco to be held on Tuesday, November 4, 2003, and the voting precincts, polling places and officers of election for said Election shall be the same and are hereby adopted, established, designated and named, respectively, as the voting precincts, polling places and officers of election for such special election hereby called, and as specifically set forth, in the official publication, by the Director of Elections of precincts, polling places and election officers for the said General Municipal Election.

(c) The ballots to be used at said special election shall be the ballots to be used at said General Municipal Election and reference is hereby made to the notice of election setting forth the voting precincts, polling places and officers of election by the Director of Elections for the General Election to be published as required by State and local law.

(d) On the ballots to be used at such special election, in addition to any other matter required by law to be printed thereon, shall appear thereon the following, to

be separately stated, and appear upon the ballot as a separate proposition:

Shall the City implement a 30-year New Transportation Expenditure Plan directing transportation sales tax funds to improved maintenance of local streets, transportation for the elderly and disabled, the Central Subway, a citywide network of fast and reliable buses, the Caltrain Extension to a new Transbay Terminal, improvements to pedestrian and bicycle safety and other projects and continue the existing half-cent sales tax during implementation of the New Transportation Expenditure Plan and future Plan updates?

(e) This resolution shall be published according to the laws of the State of California and the Charter of the City and County of San Francisco providing for and governing the publication of measures submitted to the voters. The New Transportation Expenditure Plan referenced below shall be published once in the official newspaper of the City and County within 30 days of the effective date of this resolution.

(f) The Director of Elections and the Director's employees, representatives and agents are hereby authorized and directed to do everything necessary or desirable to the calling and holding of said special election, and to otherwise carry out the provisions of this resolution.

(g) At the special election, an ordinance amending Article 14 of the San Francisco Business and Tax Regulations Code of the City and County of San Francisco, by amending Sections 1401, 1402, 1403, 1404, 1405, 1406, 1408, 1413, 1414, and 1415 thereof, and adding Section 1419, is hereby submitted to the electorate as follows:

Note: Additions are single-underline italics Times New Roman,
Deletions are ~~strikethrough italics Times New Roman~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Business and Tax Regulations Code is hereby amended by amending Sections 1401, 1402, 1403, 1404, 1405, 1406, 1408, 1413, 1414, and 1415, to read as follows:

SEC. 1401. TITLE.

This ordinance shall be known as the "San Francisco County Transportation Authority Reauthorization Ordinance" which ~~establishes and implements a~~ continues in effect the existing local transactions and use tax (commonly referred to as the "sales and use tax") approved by the voters as Proposition B at the November 7, 1989 election and authorizes implementation of a New Transportation Expenditure Plan for the use of the additional revenues.

SEC. 1402. DEFINITIONS.

For the purposes of this ordinance the following words shall have the meanings ascribed to them by this section.

- (a) "Authority." The existing San Francisco County Transportation Authority.
- (b) "District." The City and County of San Francisco.
- (c) "Effective date." The date of adoption of this ordinance which shall take effect at the close of the polls on the day of the election scheduled for November 4, 2003 at which the proposition is adopted by a two-thirds vote of the electors voting on the measure.
- (d) "Operative date." The date that this ordinance becomes operative, which shall be the first day of the first calendar quarter commencing more than 120 days after adoption of this ordinance at the election scheduled for November 4, 2003, pursuant to Public Utilities Code Section 131105(a).

~~(c) "Effective date." The date of adoption of this ordinance which shall take effect at the close of the polls on the day of election at which the proposition is adopted by majority vote of the electors voting on the measure, pursuant to Public Utilities Code Section 131102(c).~~

~~(d) "Operative date." The first day of the first calendar quarter commencing more than 120 days after adoption of the ordinance, pursuant to Public Utilities Code Section 131105(a).~~

~~(c) "Plan." The Transportation Expenditure Plan approved by the Board of Supervisors of the City and County of San Francisco which is considered part of this ordinance and hereby incorporated by reference as if fully set forth herein.~~

SEC. 1403. PURPOSE.

Pursuant to Division 12.5 of the Public Utilities Code, the San Francisco County Transportation Authority, upon the unanimous recommendation of the Expenditure Plan Advisory Committee established by the Authority, the San Francisco Transportation Committee has recommended that the Board of Supervisors submit to the voters of the City and County of San Francisco for their approval an ordinance which would, if so approved, ~~create the San Francisco County Transportation Authority, authorize the Authority to impose a one-half of one percent transactions and use tax for a period of twenty years to finance the transportation improvements set forth in the Transportation Expenditure Plan approved by the Board of Supervisors and to continue in effect the existing local transactions and use tax of one-half of one percent approved by the voters as Proposition B at the November 7, 1989 election; authorize implementation of a New Transportation Expenditure Plan setting forth the projects to be funded over the next 30 years with revenues from the continuation of the tax; continue in effect the San Francisco County Transportation Authority; and authorize the San Francisco County Transportation Authority to issue~~ limited tax bonds in a total outstanding aggregate amount not to exceed ~~\$742,000,000~~ \$1,880,000,000. Hence, this ordinance should be interpreted so as to achieve the purposes set forth herein:

(a) To ~~establish a~~ continue in effect the San Francisco County Transportation Authority.

(b) To ~~impose a transactions and use tax~~ continue in effect the existing one-half of one percent transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code and Sections 131100 et seq. of the California Public Utilities Code, which directs the

County Board of Supervisors to adopt the tax ordinance for voter approval, exercising the taxing power granted to the San Francisco County Transportation Authority in Public Utilities Code Section 131102 on behalf of said Authority.

(c) To implement a New Transportation Expenditure Plan which supersedes the existing Transportation Expenditure Plan adopted in 1989, sets forth the transportation projects, programs and other improvements to be funded over the next 30 years with the revenues resulting from the continuation of the tax, specifies eligibility and other conditions and criteria under which such revenues shall be made available, and makes provisions for the adoption of future expenditure plan updates.

~~(c)-(d)~~ To incorporate provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

~~(d)-(e)~~ To impose a transactions and use tax and provide a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Tax.

~~(e)-(f)~~ To authorize administration of a transactions and use tax in a manner that will, to the highest degree possible consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes and at the same time minimize the burden of recordkeeping upon persons subject to taxation under the provisions of this ordinance.

~~(f)-(g)~~ To improve or cause the improvement, construction, maintenance, operation, development of and/or planning for, construct, maintain, and operate certain transportation projects, and facilities and/or programs contained in the New Transportation Expenditure Plan recommended by the Expenditure Plan Advisory Committee and adopted by the Board

of Supervisors of the City and County of San Francisco, which plan is incorporated here by this reference as though fully set forth herein, and as that Plan may be amended from time to time pursuant to applicable law.

~~(g)-(h) To set a maximum term of twenty years during which time this tax shall be imposed pursuant to the authority granted by Section 131102(c) of the Public Utilities Code. To continue this tax pursuant to the authority granted by Section 131102 of the Public Utilities Code, permanently and subject to approval of future updates of the New Expenditure Plan pursuant to Section 131056 of the Public Utilities Code.~~

~~(h)-(i)~~ To authorize the issuance from time to time of limited tax bonds not to exceed a total outstanding aggregate amount of ~~\$742,000,000~~ \$1,880,000,000 to finance the projects specified in the Plan.

~~(i)-(j)~~ To establish an expenditure limit for the Authority pursuant to California Constitution Article XIII B.

SEC. 1404. CONTINUATION CREATION OF AUTHORITY.

Upon voter approval of this ordinance, the Authority shall continue in effect as currently constituted be created and shall be composed of the eleven members of the San Francisco Board of Supervisors as specified in the Transportation Expenditure Plan. The Authority shall have all of the powers set forth in Division 12.5 (commencing with Section 131100) of the Public Utilities Code, all of the powers set forth in the New Transportation Expenditure Plan, and all powers incidental or necessary to imposing and collecting the tax and administering the tax proceeds and the Plan, and causing and overseeing the delivery of the transportation improvements therein contained. The Authority may allocate and reallocate the tax proceeds to meet project cash flow needs consistent with ~~all~~ the provisions of the Plan. In the event a project is infeasible, the Authority shall reallocate the tax proceeds for that project to other projects in accordance with the provisions of the Plan.

SEC. 1405. CONTRACT WITH STATE.

Prior to the operative date, the Authority shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of ~~this the~~ transactions and use tax authorized by this ordinance; provided that, if the Authority shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

SEC. 1406. TRANSACTIONS TAX AND RATE OF ONE-HALF OF ONE PERCENT.

For the privilege of selling tangible personal property at retail, ~~a the existing~~ tax is hereby continued to be imposed upon all retailers in this District at the rate of one-half of one percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this District on and after the operative date. ~~This tax shall be imposed for a maximum period of twenty years.~~

SEC. 1408. USE TAX AND RATE OF ONE-HALF OF ONE PERCENT.

~~The existing~~ An excise tax is hereby continued to be imposed on the storage, use or other consumption in this District of tangible personal property purchases from any retailer on and after the operative date for storage, use or other consumption in this District at the rate of one-half of one percent of the sales price of the property. The sales price shall include delivery when such charges are subject to state sales or use tax regardless of the place to which delivery is made. ~~This tax shall be imposed for a maximum period of twenty years.~~

SEC. 1413. AUTHORIZATION AND LIMITATION ON ISSUANCE OF BONDS.

The Authority is hereby authorized to issue from time to time limited tax bonds pursuant to the provisions of California Public Utilities Code Sections

131109 et seq. in a total outstanding aggregate amount not to exceed ~~\$742,000,000~~ \$1,880,000,000.

SEC. 1414. USE OF PROCEEDS.

The proceeds of the taxes imposed by this ordinance shall be used solely for the projects and purposes set forth in the ~~County New~~ Transportation Expenditure Plan and its updates and for the administration thereof. In accordance with the legislative intent expressed in California Public Utilities Code Section ~~13110~~ 131100 such proceeds shall not replace funds previously provided by property tax revenues for public transportation purposes. ~~Each year the tax is in effect and prior to the allocation of funds by the Authority, the Controller of the City and County of San Francisco~~ As a condition for allocation of funds by the Authority, the recipient department or agency shall certify to the Authority that the funds will not be substituted for property tax funds which are currently utilized to fund existing local transportation programs.

SEC. 1415. APPROPRIATIONS LIMIT.

For purposes of Article XIII B of the State Constitution, the appropriations limit for the Authority for fiscal year ~~2003-04 1989-90~~ and each year thereafter shall be ~~\$160,000,000~~ \$485,175,000 unless that amount should be amended pursuant to applicable law.

Section 2. The San Francisco Business and Tax Regulations Code is hereby amended by adding Section 1419, to read as follows:

SEC. 1419. ENJOINING COLLECTION FORBIDDEN.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State of California or the Authority, or against any officer of the State or the Authority, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

NEW TRANSPORTATION EXPENDITURE PLAN FOR SAN FRANCISCO

Recommended July 22, 2003

San Francisco County Transportation Authority

1. INTRODUCTION

A. Summary

The New Expenditure Plan identifies transportation improvements to be funded from the extension of the existing half-cent transportation sales tax. The projects and programs included in the Expenditure Plan are designed to be implemented over the next 30 years. Provisions are also made for future updates to the New Expenditure Plan beyond the initial 30-year period. The New Expenditure Plan includes investments in four major categories: Transit, Streets and Roads (including street resurfacing, and bicycle and pedestrian improvements), Paratransit services for seniors and disabled people, and Transportation System Management/Strategic Initiatives, to fund neighborhood parking management, land use coordination, and beautification efforts.

The major capital projects to be funded by the New Expenditure Plan are:

- Development of the Bus Rapid Transit/MUNI Metro Network;
- Construction of the MUNI Central Subway (3rd St. LRT Phase 2);
- Construction of the Caltrain Downtown Extension to a Rebuilt Transbay Terminal;
- ~~Replacement of the South Access to the Golden Gate Bridge (Doyle Drive).~~

B. CONTEXT

The New Expenditure Plan for the use of Prop K funds was developed by the Expenditure Plan Advisory Committee (EPAC), appointed by the San Francisco County Transportation Authority (Authority) Board, with technical assistance provided by the Authority and other transportation agencies. The roster of EPAC members is provided in Attachment 1. The Expenditure Plan was recommended by the Authority Board on July 22, 2003.

By providing the required local match, Prop K is intended to leverage about \$9.6 billion in federal, state, and other local funding for transportation projects in San Francisco.

The New Expenditure Plan is a list of transportation projects and programs that will be given priority for Prop K funding. As such the New Expenditure Plan shall be amended into the Capital Improvement Program of the Congestion Management Program, developed pursuant to section 65089 of the California Government Code. These projects and programs are intended to help implement the long-range vision for the development and improvement of San Francisco's transportation system, as articulated in the San Francisco Long Range Countywide Transportation Plan.

The Countywide Transportation Plan is the City's blueprint to guide the development of transportation funding priorities and policy. The major objectives of the Countywide Transportation Plan are to enhance mobility and accessibility throughout the city, improve safety for all transportation system users, support the city's economic development and the vitality of our neighborhoods, sustain environmental quality, and promote equity and efficiency in transportation investments. The Countywide Transportation Plan is a living document, updated on a regular basis to identify and address changing needs and regional trends, and align them with available funding.

C. GOALS

The purpose of the New Expenditure Plan is to implement the priorities of the Countywide Transportation Plan through investment in a set of projects and programs that include planning, maintenance and rehabilitation of, and improvements to the city's multi-modal transportation system. Goals of the plan include:

- Maintain the city's transportation infrastructure in a state of good repair.
- Support an efficient, accessible, and fully integrated public transportation system that connects San Francisco's neighborhoods and links San Francisco to the region.

- Improve the speed, reliability, and ridership of transit in San Francisco and the region.
- Maintain a safe, attractive, well designed street network that provides mobility and public open space for residents and visitors.
- Enhance mobility for all San Franciscans, including seniors and people with disabilities.
- Maintain and enhance the city's roadway network to facilitate the safe movement of people and goods, including transit.
- Improve safety and amenities for pedestrians and bicyclists.
- Coordinate transportation investments with existing and planned land uses, to enhance livability and mobility, reduce traffic, and increase housing opportunities.
- Promote economic vitality citywide.
- Protect and enhance the environment.
- Improve coordination between transportation agencies and departments.
- Develop clear, equitable, and cost-effective methods for prioritizing transportation investments.
- Wisely use local funding to secure state, federal, and regional matching funds for transportation projects.

D. STRUCTURE

The New Expenditure Plan is organized into five sections. Section 1: Introduction provides background on the Plan's goals and development. Section 2: General Provisions provides further context on the Plan's policies and administration. Section 3: Plan Summary provides the Plan's investment detail by category. Section 4: Description of Projects and Programs contains detailed descriptions of the projects and programs (by category and subcategory), and the types of items that are eligible for funding under each of them. Section 5: Implementation Provisions describes the process for prioritizing and allocating funds following adoption of the Plan. Section 6: Allocation and Reallocation of Funds,

deals with the procedures to be followed in allocating and reallocating funds to the different levels of priority. Section 7: Update Process, deals with the mechanisms for developing updates beyond the initial 30-year period.

The Authority recommends that the following elements be included in the New Transportation Expenditure Plan for San Francisco.

2. GENERAL PROVISIONS

A. SALES TAX REVENUES

The New Expenditure Plan shall supersede the Proposition B Expenditure Plan, adopted in 1989, as of the operative date of the New Expenditure Plan, pursuant to Section 131105 of the California Public Utilities Code. The existing one-half percent local sales tax dedicated to transportation improvements (approved in November 1989 as Proposition B) shall be continued for the duration of the New Expenditure Plan.

Revenues are estimated under three scenarios over the 30-year period of the New Expenditure Plan. The conservative projection puts the total revenue level at \$2.35 billion (2003 dollars). The medium growth projection forecasts \$2.62 billion; and the optimistic projection is \$2.82 billion. These scenarios reflect average growth rates that vary from 1.4% per year to 1.65% to 2.15%. All three rates are based on historical trends in sales tax receipts in San Francisco, and are consistent with the projections used by the City and County of San Francisco and by the Metropolitan Transportation Commission.

B. RESTRICTION OF FUNDS

Sales tax revenues shall be spent on capital projects rather than to fund operations and maintenance of existing transportation services, unless otherwise explicitly specified in the Plan Description. In accordance with enabling legislation and adopted principles, sales tax revenues generated pursuant to this plan shall be subject to the following restrictions:

NO SUBSTITUTION

a. Sales tax revenues shall be used to supplement and under no circumstance replace existing local revenues used for transportation purposes.

b. Proceeds from the sale or liquidation of capital assets funded with sales tax revenues shall be returned to the Authority (in proportion to the contribution of sales tax revenues to the total original cost of the asset), for re-allocation to eligible expenses within the categories from which funds were expended for the original investment.

INCREMENTAL OPERATING AND MAINTENANCE COSTS

Funds for operations and maintenance shall be limited exclusively to incremental costs associated with the operation of new transportation services and/or facilities, as specified in this plan. Regional operators and other non-San Francisco sponsors shall not be eligible for incremental operations and maintenance funding. Incremental costs shall be defined as solely those operating and maintenance costs that would clearly not have otherwise been incurred absent the new service or facility. The intent shall under no circumstance be to provide an ongoing subsidy, but rather to allow for a limited level of transitional funding, to help the department responsible for the operation and maintenance of the new facility or service built or purchased with sales tax funds, to identify alternative funding sources for these purposes and ~~gradually and fully absorb the facility's incremental operating and/or maintenance costs~~ into its own operating budget. Incremental operating and maintenance costs shall be reimbursable from the sales tax according to the following schedule:

Linear Decrease

The funding eligibility level for incremental operating and maintenance costs shall decrease linearly from 100% on the first year of operation to 0% on year 10.

Grandfathered Projects

Projects currently receiving Prop B reimbursement for incremental operating and maintenance

costs shall be eligible for reimbursement under the sales tax according to the same schedule as detailed in section 2.B.ii.a., above, starting with the amount shown in the 2003 Strategic Plan Update for Prop B for fiscal year 2003/04.

NO EXPENDITURES OUTSIDE SAN FRANCISCO

No sales tax funds shall be spent outside the limits of the City and County of San Francisco, except for cases that satisfy all of the following conditions, and subject to a possible need for amendment of state legislation:

a. Quantifiable Benefit

The project, service, or programmatic category is included in the Expenditure Plan, and planning or other studies, developed in order to enable its implementation, demonstrate that there will be a quantifiable benefit to the City and County's transportation program from the expenditure of funds beyond the City and County line. A quantifiable benefit is defined as a measurable increase in the cost effectiveness of a project or group of transportation projects and or services at least partially funded with sales tax funds, located along the corridor or in the immediate geographic area of the City and County where the project in question is proposed to occur.

Expenses Matched By Other Counties

The proposed expense is matched by funding from the county where the expenditure of sales tax funds is proposed to be made.

Should transportation projects or services contemplated in the plan require the participation of multiple counties for any phase of project planning or implementation, the Authority shall work cooperatively with the affected county or counties to ensure successful project implementation?

IV. FUNDING CAPS FOR GRANDFATHERED PROJECTS

Projects grandfathered from the Prop B Expenditure Plan, shall be eligible to receive Prop K Priority 1 funds from the appropriate equivalent subcategories, not to exceed the unallocated amounts programmed in the 2003 Prop B Strategic Plan Update. This section

does not apply to incremental operating and maintenance costs, which are addressed separately in section ii.b., above.

C. SUCCESSOR PROGRAM

Upon approval of the Ordinance by the voters, the New Expenditure Plan shall supersede and become the successor program to the Expenditure Plan enacted in 1989 by the passage of the Proposition B local sales tax for transportation. As such it will bear responsibility for any outstanding debt incurred by the Proposition B program, and all assets of the Proposition B program shall become Prop K program assets.

D. BONDING AUTHORITY

The Authority shall be authorized to issue, from time to time, limited tax bonds in a total outstanding aggregate amount not to exceed \$1.88 billion, payable from the sales tax revenues generated pursuant to this plan. The Authority's bonding capacity shall be separate and distinct from that of the City and County of San Francisco.

E. ADMINISTRATION BY THE SAN FRANCISCO COUNTY TRANSPORTATION AUTHORITY

The San Francisco County Transportation Authority, which currently allocates, administers and oversees the expenditure of the existing Prop B sales tax for transportation, shall allocate, administer and oversee the expenditure of the Prop K sales tax funds.

F. SUPPORT OF ADJACENT COUNTIES

It is deemed unnecessary to seek the support of adjacent counties by requesting them to develop their own Transportation Expenditure Plans because:

- San Mateo, Alameda and Contra Costa Counties have already adopted Transportation Expenditure Plans; and
- Marin County is currently evaluating Transportation Expenditure Plans

G. ENVIRONMENTAL REVIEW

Environmental reporting, review and approval procedures as provided for under the National Environmental Policy Act (NEPA), and/or the California Environmental Quality Act (CEQA), and other applicable laws shall be carried out as a prerequisite to the implementation of any project to be funded partially or entirely with sales tax funds.

3. PLAN SUMMARY

Table 1 summarizes the half-cent sales tax revenue allocations by project category and subcategory in constant 2003 dollars. The New Expenditure Plan is fiscally constrained to the total funding expected to be available for each category. The financial constraint is further detailed within each category through the specification of funding priority levels (Priorities 1, 2 and 3). There are four categories, identified with capital letters (A through D). The first subdivision level under each category is known as a subcategory. Subcategories are indicated with lower case Roman numerals. The level below a subcategory is known as a program or a project.

Adoption of an ordinance to continue the existing half-cent sales tax is necessary in order to fund the projects and programs listed in Table 1. The tax shall be continued for the period of implementation of the New Expenditure Plan and its updates.

[Table 1: San Francisco Expenditure Plan Summary, begins on page 332.]

Table 1: San Francisco Expenditure Plan Summary

2003 \$ Millions		Total Expected Funding ¹	Total Prop K ⁵	% of Prop K Funding ²
A. TRANSIT		9,944.3	1,781.1	65.5%
i. Major Capital Projects		3,748.7	689.6	
a. MUNI		1,402.0	361.0	
Bus Rapid Transit/MUNI Metro Network		600.0	110.0	
3rd Street Light Rail (Phase 1)		100.0	70.0	
Central Subway (3rd St. LRT Phase 2)		647.0	126.0	
Geary LRT		55.0	55.0	
b. Caltrain		2,141.0	313.1	
Downtown Extension to a Rebuilt Transbay Terminal		1,885.0	270.0	
Electrification		182.5	20.5	
Capital Improvement Program		73.5	22.6	
c. BART Station Access, Safety and Capacity		100.0	10.5	
d. Ferry		105.7	5.0	
ii. Transit Enhancements		200.7	52.5	
iii. System Maintenance and Renovation		5,994.9	1,039.0	
a. Vehicles		3,486.0	575.0	
b. Facilities		945.7	115.7	
c. Guideways		1,563.2	348.3	
B. PARATRANSIT³		396.3	291.0	8.6%
C. STREETS AND TRAFFIC SAFETY		2,033.0	714.7	24.6%
i. Major Capital Projects		539.7	117.5	
a. Golden Gate Bridge South Access (Doyle Drive)		420.0	90.0	
b. New and Upgraded Streets		119.7	27.5	
ii. System Operations, Efficiency and Safety		155.5	60.6	
a. New Signals and Signs		55.5	41.0	
b. Advanced Technology and Information Systems (SFgo)		100.0	19.6	
iii. System Maintenance and Renovation		887.5	281.6	
a. Signals and Signs		170.5	99.8	
b. Street Resurfacing, Rehabilitation, and Maintenance		680.2	162.7	
c. Pedestrian and Bicycle Facility Maintenance		36.8	19.1	

iv. Bicycle and Pedestrian Improvements	450.3	255.0	
a. Traffic Calming	142.0	70.0	
b. Bicycle Circulation/Safety	77.6	56.0	
c. Pedestrian Circulation/Safety	69.7	52.0	
d. Curb Ramps	66.0	36.0	
e. Tree Planting and Maintenance	95.0	41.0	
D. TRANSPORTATION SYSTEM MANAGEMENT/ STRATEGIC INITIATIVES	62.5	33.2	1.3%
i. Transportation Demand Management/Parking Management	28.9	13.2	
ii. Transportation/Land Use Coordination	33.6	20.0	
Total	12,436	2,820	100%
Total Prop K Priority 1 (conservative forecast)		2,350	
Total Prop K Priority 1 + 2 (medium forecast; most likely to materialize)		2,626	
Total Prop K Priority 1 + 2 + 3 (optimistic forecast) ⁴		2,820	

Notes:

¹ Total Expected Funding represents project costs or implementable phases of multi-phase projects and programs based on a 30-year forecast of expected revenues from existing federal, state and local sources, plus \$2.82 B in reauthorized sales tax revenues, \$230 M from a BART General Obligation Bond, and approximately \$199 M from the proposed 3rd dollar toll on the Bay Area state-owned toll bridges. The amounts in this column are provided in fulfillment of Sections 131051 (a)(1), (b) and (c) of the Public Utilities Code.

² Percentages are based Prop K Priority 1 and 2 forecasts of \$2.626 billion.

³ With very limited exceptions, the funds included in the 30-year forecast of expected revenues are for capital projects rather than operations. Of all the funding sources that make up the \$12.4 B in expected funding, paratransit operating support is only eligible for Prop K and up to 10% of MUNI's annual share of Federal Section 5307 funds (currently about \$3.5 M annually). Therefore, total expected funding for Paratransit only reflects Prop K and Section 5307. The remaining paratransit operating costs for the next 30-years will be funded using other sources of operating funds, such as those currently included in MUNI's \$460 M annual operating budget.

⁴ Priority 3 projects will only be funded if the revenues materialize under the optimistic scenario for sales tax revenues. They are also included in case Priority 1 or 2 projects realize costs savings, identify other unanticipated sources of funding, experience delays or are canceled.

⁵ The "Total Prop K" fulfills the requirements in Section 131051(d) of the Public Utilities Code.

4. DESCRIPTION OF PROJECTS AND PROGRAMS

This section contains detailed descriptions of the projects, categories and subcategories in the New Expenditure Plan, and the types of items that are eligible for funding under each of them. The

Total Funding figures correspond to the Total Expected Funding column in the Plan Summary provided in Section 3, above. Sales tax funding figures are for Priority 1 unless stated otherwise. The percentage allocation of Prop K funds to each of the major categories is as follows:

Transit—65.5%, Paratransit—8.6%, Streets and Traffic Safety—24.6% and Transportation System Management/Strategic Initiatives—1.3%. This reflects Priorities 1 and 2 combined.

A. TRANSIT

I. MAJOR CAPITAL PROJECTS

The Authority shall give priority for funding to major capital projects that are supportive of adopted land use plans, with particular emphasis on improving transit supply to corridors designated for infill housing and other transit-supportive land uses. Transit supportive land uses are defined as those which help to increase the cost-effectiveness of transit service by improving transit ridership and reducing traffic along transit corridors.

a. MUNI

- Bus Rapid Transit Network/MUNI Metro Network including Real Time Transit Information:

Implement Bus Rapid Transit and Transit Preferential Streets programs to create an integrated citywide network of fast, reliable bus and surface light rail transit services connecting to services provided by MUNI rail and historic streetcar lines, BART and Caltrain.

Bus Rapid Transit (BRT): Creation of fast, frequent, and reliable bus rapid transit service, with exclusive transit lanes and dedicated stations, on Geary Boulevard (designed and built to rail-ready standards), Van Ness Avenue and Potrero Avenue.

Transit Preferential Streets (TPS): Includes Improvements to key transit corridors including Mission and Folsom streets, 19th Avenue, Geneva Avenue, Bayshore Blvd, 16th Street, San Bruno Ave., Stockton, and the MUNI rail lines. Includes additional BRT and TPS improvements subject to availability of funds. TPS improvements are intended to improve speed and reliability at cost lower than BRT. TPS improvements include sidewalk bulb-outs at bus stops, transit-priority lanes, traffic signal modifications, and relocation of bus stops. BRT and TPS projects may include traffic

signal modification to speed up service, and real-time passenger information systems improve transit reliability and reinforce the sense of permanence of the improved service, as well as associated landscaping, lighting and signage improvements. It is the intent that buses that operate along BRT corridors should be able to also operate along TPS corridors. Funds in this section may be used to create dedicated stations and exclusive transit lanes for the MUNI light rail and historic streetcar lines. Includes planning, project development, capital and incremental operating and maintenance costs. Sponsoring Agencies: MUNI, DPT, DPW, Planning, SFCTA. The first \$99.2M is Priority 1 and the remainder is Priority 2. Total Funding: \$600M; Prop K: \$110.0M.

- 3rd Street Light Rail (Phase 1):

This is a grandfathered project. Complete construction of trackway, related facilities, and the Metro East light rail maintenance facility and yard, and purchase of new light rail vehicles (LRVs), including additional LRVs for expanded Mission Bay service. (Priority 1). Includes capital and incremental operating and maintenance costs. Sponsoring Agency: MUNI. Total Funding: \$100M; Prop K: \$70M.

- New Central Subway (3rd St. LRT Phase 2):

This is a grandfathered project. Design and construction of the second phase of the 3rd Street Light Rail line as a subway linking the Caltrain Depot at 4th and King Streets and Pac Bell Park to Moscone Center, the BART/MUNI Metro stations on Market Street, Union Square and Chinatown. Includes preliminary and detailed engineering and construction costs. (Priority 1). Includes project development, capital and incremental operating and maintenance costs. Sponsoring Agency: MUNI. Total Funding: \$647M; Prop K: \$126M.

- Geary Light Rail:

This funding is for environmental studies, preliminary and detailed engineering for

implementing light rail transit on Geary Blvd (Priority 3). Sponsoring Agency: MUNI. Total Funding: \$55M; Prop K: \$55M.

Caltrain

- Downtown Extension to a Rebuilt Transbay Terminal:

Construction of a grade-separated extension of Caltrain to a rebuilt Transbay Terminal at the current site (Mission and 1st Streets) near BART and MUNI Metro. The extension and terminal are to be built as a single, integrated project. If the Caltrain Downtown Extension portion of the project is cancelled, this project shall not be eligible for any funds from the sales tax program. (Priority 1). Includes project development and capital costs. Sponsoring Agency: TJPA. The first \$237.7M is Priority 1 and the remainder is Priority 2. Total Funding: \$1,885M; Prop K: \$270M.

- Electrification:

Convert Caltrain service, line, and locomotives from diesel-powered to electric-powered. The project includes all stationary systems, substations, and signal system modifications, along with new rolling stock and supporting infrastructure and facilities. Costs reflect San Francisco share only. (Priority 1). Includes project development and capital costs. Sponsoring Agency: PCJPB. Total Funding: \$182.5M; Prop K: \$20.5M.

- Capital Improvement Program:

Provides San Francisco's local match contribution for Caltrain's Capital Improvement Program (CIP) projects, including continued implementation of express tracks between San Francisco and San Jose to improve travel time and reliability. This work may include passing sidings, to allow express trains to bypass local service where additional tracks are not appropriate and/or right of way is limited. Maintenance and rehabilitation projects designed to improve service levels. Costs reflect San Francisco share only. Includes project development and capital costs.

Sponsoring Agency: PCJPB. The first \$19.9M is Priority 1 and the remainder is Priority 2. Total Funding: \$73.5M; Prop K: \$22.6M.

c. BART Station Access, Safety and Capacity Improvements to stations and other facilities owned or operated by BART within San Francisco to enhance passenger safety, accessibility and capacity, (e.g. additional staircases), improved signage and security, real-time traveler information, intermodal access improvements (including improved access for passengers transferring from other transit services or bicycles), and street level plaza improvements. Improvements to station or system capacity, including additional staircases, elevators, and escalators, shall be eligible for funding in this category if the Authority finds that the costs of the station and system capacity improvements are shared equitably among the counties BART serves. Includes project development and capital costs. Sponsoring Agency: BART, MUNI, DPT, DPW. The first \$9.2M is Priority 1 and the remainder is Priority 2. Total Funding: \$100M; Prop K: \$10.5M.

d. Ferry

Improvements to downtown ferry terminals to accommodate increases in ferry ridership. Included are additional intermodal connections, new ferry berths, improved emergency response systems, and landside improvements to serve increased passenger flows. Also included is rehabilitation of passenger-serving facilities. Includes project development and capital costs. Sponsoring Agencies: Port of San Francisco, GGBHTD. The first \$4.4M is Priority 1 and the remainder is Priority 2. Total Funding: \$105.7M; Prop K: \$5M.

TRANSIT ENHANCEMENTS

Programmatic improvements that promote system connectivity and accessibility, close service gaps, and improve and expand transit service levels. For Transit Enhancements, the first \$43.0M is Priority 1, the second \$4.5M is Priority 2 and the remaining \$5.0M is Priority 3. Projects include:

- Extension of existing trolleybus lines and electrification of motor coach routes.

Includes purchase of additional trolley buses for new service. Includes project development and capital costs. Sponsoring Agency: MUNI. Total Funding: \$47.7M; Prop K: \$9.5M.

- Extension of historic streetcar service from Fisherman's Wharf to Fort Mason. Total Funding reflects Prop K funds only; the remaining project costs will be covered by the National Park Service/Presidio Trust using Park funds. Includes project development and capital costs. Sponsoring Agency: MUNI. Total Funding: \$5 M; Prop K: \$5 M.
- Purchase and rehabilitation of historic light rail vehicles for new or expanded service. Includes project development, capital, and incremental operating and maintenance costs. Sponsoring Agency: MUNI. Total Funding: \$7.2 M; Prop K: \$1.4 M.
- Balboa Park BART/MUNI station access improvements to enhance BART, bus and MUNI light rail transit connections. Includes project development and capital costs. Sponsoring Agencies: MUNI, BART, DPT, DPW. Total Funding: \$34.5M; Prop K: \$9.72M.
- Relocation of the Caltrain Paul Avenue station to Oakdale Avenue. Includes project development and capital costs. Sponsoring Agencies: PCJPB, DPT, DPW. Total Funding: \$26.43M; Prop K: \$7.93M.
- Purchase of additional light rail vehicles to expand service and reduce overcrowding on existing MUNI Light Rail lines. Includes project development, capital, and incremental operating and maintenance costs. Sponsoring Agency: MUNI. Total Funding: \$28.9M; Prop K: \$5.8M.
- Other transit enhancements to be prioritized by the Authority. Includes planning, project development and capital costs. Sponsoring Agencies: MUNI, BART, PCJPB. Total Funding: \$50.96 M; Prop K: \$14.0 M.

SYSTEM MAINTENANCE AND RENOVATION Vehicles

Programmatic improvements for upgrade, rehabilitation and replacement of transit vehicles, spare parts and on-board equipment. Includes limited incremental operating funds for F-line historic streetcar operations. The first \$506.3M is Priority 1 and the remainder is Priority 2. Projects include:

- Rail car, trolley coach and motor coach renovation and replacement; retrofit of diesel coaches to reduce emissions. Includes project development and capital costs. Sponsoring Agencies: MUNI, BART, PCJPB. Funding for BART rail car renovation and replacement shall be eligible for funding under this subcategory if the Authority finds that the costs of rail car renovation and replacement are shared equitably among the counties BART serves. The first \$486 M in Prop K is Priority 1, and the remainder is Priority 2. Total Funding: \$3,476.7 M; Prop K: \$566 M. Of the \$565.7 M in Prop K funds, the following minimum amounts will be available for MUNI (\$450.75M), BART (\$11.5M), and PCJPB (\$23M).
- Trolleybus wheelchair-lift incremental operations and maintenance. This is a grandfathered project. Provides for incremental operating and maintenance costs according to the schedule described in 2.b.ii.B. The first \$2.62M is Priority 1 and the remainder is Priority 2. Sponsoring Agency: MUNI. Total Funding: \$3.05M, Prop K: \$3.05M.
- F-Line Historic Streetcar Incremental Operations and Maintenance: This is a grandfathered project. Provides for incremental operating and maintenance costs according to the schedule described in Section 2.b.ii.B of this Expenditure Plan. The first \$5.3 M in Prop K is Priority 1 and the remainder is Priority 2. Sponsoring Agency: MUNI. Total Funding: \$6.2M; Prop K: \$6.2M

Facilities

Programmatic improvements for upgrade, rehabilitation and replacement of transit facilities and facilities-related equipment. Includes limited incremental operating funds for MUNI Metro Extension/MUNI Metro Turnback operations. The first \$101.9M is Priority 1 and the remainder is Priority 2. Projects include:

- Rehabilitation, upgrades and/or replacement of existing facilities for maintenance and operations, including equipment (Priority 1). Rehabilitation, upgrades and renovation for rail stations including platform edge tiles, elevators, escalators, and faregates (Priority 1).
- Rehabilitation and/or replacement of facilities for administration (Priority 2). The first \$84.7 M in Prop K is Priority 1 and the remainder is Priority 2. Includes project development and capital costs. Sponsoring Agencies: MUNI, BART, PCJPB. Total Funding: \$925.7M; Prop K: \$95.7M. Of the \$115.7M in Prop K funds, the following minimum amounts will be available for MUNI (\$92.6M), BART (\$2.3M), and PCJPB (\$9.3M).
- MUNI Metro Extension (MMX) incremental operations and maintenance. This is a grandfathered project. Provides for incremental operating and maintenance costs according to the schedule described in 2.b.ii.B. The first \$17.2 M is Priority 1 and the remainder is Priority 2. Sponsoring Agency: MUNI. Total Funding: \$20 M, Prop K: \$20 M.

Guideways

Rehabilitation, upgrades and/or replacement of rail, overhead trolley wires, signals, and automatic train control systems. The intent is to implement TPS standards whenever rehabilitation, upgrade or replacement projects of light rail lines are undertaken. Seismic retrofit and improvements to emergency lighting and ventilation. (PRIORITY 1). The first \$306.7 M is Priority 1 and the remainder is Priority 2. Total Funding: \$1,563.2M; Prop K: \$348.3M. Includes project development and capital costs. Sponsoring Agencies: MUNI, BART, PCJPB.

The following minimum amounts will be available for MUNI (\$278.6M), BART (\$7M), and PCJPB (\$27.9M).

PARATRANSIT

Continued support for paratransit door-to-door van and taxi services for seniors and people with disabilities who are unable to use fixed route transit service. Includes operations support, phased replacement of accessible vans, and replacement and upgrades of supporting equipment such as debit card systems. Sponsoring Agency: MUNI. The first \$201.9M is Priority 1. The next \$24.1M is Priority 2, and the remainder is Priority 3. Total Funding: \$396.3M; Prop K: \$291M.

STREETS AND TRAFFIC SAFETY MAJOR CAPITAL PROJECTS**Golden Gate Bridge South Access (Doyle Drive)**

Construction of a replacement project for the existing facility to improve earthquake and traffic safety. Project includes direct vehicular and transit access into the Presidio National Park, improved bicycle and pedestrian connections, a transit transfer center and bus rapid transit treatments, and connections to Marina Boulevard and Richardson Avenue. (Priority 1). Includes project development and capital costs and may include associated environmental restoration. Sponsoring Agencies: SFCTA, Caltrans. The first \$79.2 M is Priority 1 and the remainder is Priority 2. Total Funding: \$420M; Prop K: \$90M.

New and Upgraded Streets

Upgrading and extension of streets and other vehicular facilities to bring them up to current standards; addition of Transit Preferential Streets (TPS) treatments to transit corridors and construction of major bicycle and pedestrian facilities. The first \$24.2 M is Priority 1; and the remainder is Priority 2. Total Funding: \$119.7 M; Prop K: \$27.5 M

- Bernal Heights Street System Upgrading (Priority 1). This is a grandfathered project. Construction of streets in Bernal Heights where existing streets are unimproved or below city standards to ensure adequate emergency vehicle response times. Includes project development and capital

costs. Sponsoring Agency: DPW. Total Funding: \$1.415M; Prop K: \$1.415M.

- Great Highway Erosion Repair, including bicycle path development. (Priority 1) Includes project development and capital costs. Sponsoring Agency: DPW. Total Funding: \$15.0M; Prop K: \$2.03M.
- Visitacion Valley Watershed: San Francisco share of San Francisco/San Mateo Bi-County Study projects such as the extension of Geneva Avenue across US 101 to improve multi-modal access, including a possible light rail extension to Candlestick Point, or other transportation improvements as identified or refined through a community planning process. (Priority 1). Includes planning, project development and capital costs. Sponsoring Agencies: DPW, MUNI, SFCTA, PCJPB, Caltrans. Total Funding: \$46.3M; Prop K: \$15M.
- A new Illinois Street Bridge including multimodal (vehicle, rail, bicycle, and pedestrian) access across Islais Creek (Priority 1). Includes project development and capital costs. Sponsoring Agency: Port of San Francisco. Total Funding: \$15.0M; Prop K: \$2.0M.
- A study to identify ways to reduce the traffic impacts of State Route 1 on Golden Gate Park (Priority 1). Includes planning and project development costs. Sponsoring Agency: DPT, Caltrans. Total Funding: \$2M; Prop K: \$0.2M
- Other upgrades to major arterials such as 19th Avenue, to complement traffic calming on adjacent neighborhood streets, including pedestrian and bicycle safety improvements, intersection reconfiguration, transit preferential improvements and landscaping. Includes planning, project development and capital costs. Sponsoring agencies: DPW, DPT, MUNI, Caltrans, SFCTA. Total Funding: \$40M; Prop K: \$6.9M.

SYSTEM OPERATIONS, EFFICIENCY AND SAFETY

a. New Signals and Signs

Programmatic improvements including new traffic signs and signals (including pedestrian and bicycle signals) implementation of transit priority systems on select corridors; and new pavement markings such as raised flashing pavement reflectors and transit lane markings (Priority 1). Installation of red light photo enforcement equipment; electronic parking meters including meters that accept credit or pre-paid debit cards; and relocation of traffic maintenance shop to a new location (Priority 2). Includes project development and capital costs. Sponsoring Agency: DPT; MUNI. The first \$36.1M is Priority 1 and the remainder is Priority 2. Total Funding: \$55.5M; Prop K: \$41.0M.

b. Advanced Technology and Information Systems (SFgo)

Programmatic improvements using advanced technology and information systems to better manage roadway operations for transit, traffic, cyclists, and pedestrians. Includes interconnect and traffic signal controller technology and related communications systems to enable transit and emergency vehicle priority; dissemination of real time information to transit passengers; and management of vehicular flows and signalization to enhance bicycle and pedestrian safety (Priority 1). Closed circuit TV and communications systems (e.g. Variable Message Signs) for incident and special event traffic management as well as responsive/adaptive signal control and traveler information (Priority 2). Includes project development and capital costs. Sponsoring Agency: DPT, MUNI. The first \$17.3M is Priority 1 and the remainder is Priority 2. Total Funding: \$100.0M; Prop K: \$19.6M.

SYSTEM MAINTENANCE AND RENOVATION

a. Signals and Signs

Programmatic improvements including maintenance and upgrade of traffic signs and signals. Signal maintenance includes new mast arms, LED signals, conduits, wiring, pedestrian

signals, left turn signals. Includes transit pre-empts and bicycle route signs and signals. Maintenance and upgrades of traffic striping and channelization to improve safety. Includes maintenance and replacement of red light enforcement cameras. Includes project development and capital costs. Sponsoring Agency: DPT. The first \$87.9M is Priority 1 and the remainder is Priority 2. Total Funding: \$170.5M; Prop K: \$99.8M.

b. Street Resurfacing, Rehabilitation, and Maintenance

- Street Resurfacing and Reconstruction:

Repaving and reconstruction of city streets to prevent deterioration of the roadway system, based on an industry-standard pavement management system designed to inform cost effective roadway maintenance. Includes project development and capital costs. May include sidewalk rehabilitation, curb ramps and landscaping, subject to approved prioritization plan. Sponsoring Agency: DPW. The first \$118.3M in Prop K is Priority 1 and the remainder is Priority 2. Total Funding: \$641.3M; Prop K: \$134.3M.

- Street Repair and Cleaning Equipment

Replacement of street repair and cleaning equipment according to industry-standards, such as but not limited to, asphalt pavers, dump trucks, sweepers, and front-end loaders. Includes capital costs only. Sponsoring Agency: DPW. The first \$22.8M in Prop K is Priority 1 and the remainder is Priority 2. Total Funding: \$36.4M; Prop K: \$25.9M.

- Embarcadero Roadway Incremental Operations and Maintenance

This is a grandfathered project. Provides for incremental operating and maintenance costs according to the schedule described in 2.b.ii.B. Funding shall only be made available after reimbursement of \$2.5M from the City and County of San Francisco to the Authority for repayment of a capital loan authorized by Authority resolution No. 97-44. Sponsoring Agency: DPW. The

first \$2.2M is Priority 1 and the remainder is Priority 2. Total Funding: \$2.5M; Prop K: \$2.5M.

c. Pedestrian and Bicycle Facility Maintenance

Public sidewalk repair and reconstruction city-wide. Additional pedestrian facility improvements including stairways, retaining walls, guardrails and rockfall barriers. Upgrades of substandard bicycle lanes; rehabilitation of bicycle paths, and reconstruction of MUNI passenger boarding islands. Includes project development and capital costs. Sponsoring Agencies: DPT, DPW, MUNI. The first \$17.4M is Priority 1 and the remainder is Priority 2. Total Funding: \$36.8M; Prop K: \$19.1M.

BICYCLE AND PEDESTRIAN IMPROVEMENTS

a. Traffic Calming

Programmatic improvements to neighborhood streets to make them more livable and safe to use for all users – pedestrians, cyclists, transit, and autos. Includes strategies to reduce auto traffic speeds and improve pedestrian and bicyclist safety and circulation such as: improvements to bicycle and walking routes (e.g. sidewalk widening, streetscape upgrades including landscaping), speed humps, corner bulb-outs, chicanes and channelization (Priority 1). New or improved pedestrian safety measures such as ladder crosswalks and pedestrian signals (Priority 1). Development of neighborhood and school area safety plans citywide, including above-mentioned strategies and complementary outreach and education programs (Priority 1). New traffic circles, signals and signage including flashing beacons and vehicle speed radar signs (Priority 2). The first \$60.8M is Priority 1. The next \$7.2M is Priority 2 and the remainder is Priority 3. Includes planning, project development and capital costs. Sponsoring Agencies: DPT, DPW. Total Funding: \$142.0M; Prop K: \$70.0M.

b. Bicycle Circulation/Safety

Programmatic improvements to the transportation system to enhance its usability and safety for bicycles. Infrastructure improvements on the citywide bicycle network, such as new bike lanes and paths. Bicycle parking facilities such as bike racks and lockers. Support for bicycle outreach

and education programs. Improvements must be consistent with the city's bicycle plan. The first \$27.6M is Priority 1. The next \$2.4M is Priority 2 and the remainder is Priority 3. Includes project development and capital costs. Sponsoring Agencies: DPT, DPW, BART, PCJPB. Total Funding: \$77.6; Prop K: \$56.0M.

c. Pedestrian Circulation/Safety

Programmatic improvements to the safety and usability of city streets for pedestrians, prioritized as identified in the Pedestrian Master Plan. Includes flashing pavement reflectors on crosswalks, pedestrian islands in the medians of major thoroughfares, sidewalk bulb-outs, sidewalk widenings, and improved pedestrian circulation around BART and Caltrain stations. Includes project development and capital costs. Sponsoring Agencies: DPT, MUNI, DPW, BART, PCJPB. The first \$23.8M is Priority 1. The next \$1.2M is Priority 2 and the remainder is Priority 3. Total Funding: \$69.7M; Prop K: \$52.0M.

d. Curb Ramps

Construction of new wheelchair curb ramps and related roadway work to permit ease of movement for the mobility impaired. Reconstruction of existing ramps. Includes project development and capital costs. Sponsoring Agency: DPW, MUNI. The first \$23.6M is Priority 1. The next \$2.4M is Priority 2 and the remainder is Priority 3. Total Funding: \$66.0M; Prop K: \$36.0M.

e. Tree Planting and Maintenance

Planting of new street trees and maintenance of new and existing trees in public rights-of-way throughout the city. Sponsoring Agency: DPW. The first \$32.8M is Priority 1. The next \$4.2M is Priority 2 and the remainder is Priority 3. Total Funding: \$95.0M; Prop K: \$41.0M.

TRANSPORTATION SYSTEM

MANAGEMENT/STRATEGIC INITIATIVES

TRANSPORTATION DEMAND

MANAGEMENT/PARKING MANAGEMENT

Develop and support continued Transportation Demand Management (TDM) and parking

requirements for downtown buildings, special event sites, and schools and universities. Includes neighborhood parking management studies. Support related projects that can lead to reduction of single-occupant vehicle dependence and encourage alternative modes such as bicycling and walking, including Pedestrian Master Plan development and updates (Priority 1), citywide Bicycle Plan updates, and traffic circulation plans. Conduct transit service planning such as route restructuring studies to optimize connectivity with rapid bus network and major transit facilities (e.g. Transbay Terminal and Balboa Park BART station). Funds for studies and projects to improve access of disadvantaged populations to jobs and key services. Includes planning, project development and capital costs. Sponsoring Agencies: MUNI, DPT, Planning, SFCTA, DOE, DAS. The first \$11.6M is Priority 1 and the remainder is Priority 2. Total Funding: \$28.9M; Prop K: \$13.2M.

TRANSPORTATION/LAND USE
COORDINATION

Transportation studies and planning to support transit oriented development and neighborhood transportation planning. Local match for San Francisco and regional Transportation for Livable Communities (TLC)/Housing Incentive Program (HIP) grant programs that support transit oriented development and fund related improvements for transit, bicyclists, and pedestrians including streetscape beautification improvements such as landscaping, lighting and street furniture. Includes planning, project development and capital costs. Sponsoring Agencies: DPT, DPW, MUNI, Planning, SFCTA, BART, PCJPB. The first \$17.6M is Priority 1 and the remainder is Priority 2. Total Funding: \$33.6M; Prop K: \$20.0M.

5. IMPLEMENTATION PROVISIONS

A. PROGRAMMATIC

CATEGORIES—DEFINITION

This Expenditure Plan identifies eligible

expenditures for specific transportation projects as well as for programmatic categories. Programmatic categories are set up to address allocation of funds to multi-year programs for a given purpose, such as the maintenance of traffic signals, for which not all specific project locations can be anticipated or identified at the time of adoption of the Expenditure Plan.

B. PRIORITIZATION PROCESS

For programmatic categories and for projects involving multiple agencies, subsequent to approval of the Expenditure Plan, the Authority Board shall designate a lead agency responsible for prioritizing the program of projects for the category, and for implementing the project(s). Prior to allocation of any sales tax funds, the lead agency shall prepare, in close consultation with all other affected planning and implementation agencies and the Authority, a 5-year prioritized program of projects (for programmatic categories) including budget, scope and schedule; or a 5-year project delivery timetable, budget and scope (for individual projects) consistent with the Strategic Plan for use of the Prop K funds, for review and adoption by the Authority Board. Program goals shall be consistent with the Countywide Transportation Plan and with the City's General Plan.

The program of projects shall at a minimum address, the following factors:

- i. Project readiness, including schedule for completion of environmental and design phases; well-documented preliminary cost estimates, and documented community support as appropriate;
- ii. Compatibility with existing and planned land uses, and with adopted standards for urban design and for the provision of pedestrian amenities; and supportiveness of planned growth in transit-friendly housing, employment and services.
- iii. A prioritization mechanism to rank projects within the program, addressing, for each proposed project:

- a. Relative level of need or urgency
- b. Cost Effectiveness
- c. A fair geographic distribution that takes into account the various needs of San Francisco's neighborhoods.

iv. Funding plan, including sources other than Prop K

The lead agency shall conduct appropriate public outreach to ensure an inclusive planning process for the development of the program of projects, as well as general plan referral or referral to any City Department or Commission as required.

The lead agency shall also identify appropriate performance measures, such as increased system connectivity, increased transit ridership (net new riders), reductions in travel time for existing riders, and increased use of alternatives to the single-occupant automobile; as well as milestone targets and a timeline for achieving them, to ensure that progress is made in meeting the goals and objectives of the program.

These performance measures shall be developed in collaboration with the Authority, shall be consistent with Congestion Management Program requirements and guidelines issued by the Authority, and shall be submitted for review and approval by the Authority.

The lead agency shall be eligible for planning funds from this category for the purpose of completing the development of the program of projects. Lead agencies will also be encouraged to explore alternative and non-traditional methods

for project and service delivery where they offer opportunities for increased cost-effectiveness and/or shortened project delivery timelines.

As part of the Strategic Plan development process, the Authority shall adopt, issue and update detailed guidelines for the development of programs of projects, including further detail on the definition and application of the concept of land use/housing-supportive transportation projects as referenced in 4.A.i. Transit-Major Capital Projects, as well as for the development of project scopes, schedules and budgets.

6. ALLOCATION AND RE-ALLOCATION OF FUNDS

Each New Expenditure Plan program or project (see definition in Section 3 above) shall be funded using sales tax revenue up to the total amount for that program or project in Priority 1. If, after funding all Priority 1 projects in a subcategory, the latest Prop K Strategic Plan Update cash flow analysis forecasts available revenues in excess of Priority 1 levels, the Authority Board may allow programming of Priority 2 revenues within the subcategory, subject to the category percentage caps and program or project dollar amount caps for Priority 2 established in the New Expenditure Plan. After funding at least 80% of Priority 2 project dollar amounts, the Authority Board may program Priority 3 requests, if the latest Prop K Strategic Plan forecasts revenues beyond the total Priority 2 level.

In the case of Major Capital Projects, the lead agency shall submit to the Authority Board for approval a schedule of project delivery milestones required to ensure that Prop K funds allocated to the project are obligated in a timely manner. The project delivery milestones shall include the completion of environmental clearances, securing of necessary project funding, and the start of construction or implementation. The Authority staff shall prepare a report at least annually, to the Authority Board, to communicate the status of these projects. If a project has not achieved any given project milestone within a period of 5 years, the funds earmarked for the project shall be subject to re-programming by the Transportation Authority Board, by a 2/3 vote.

7. UPDATE PROCESS

Pursuant to the provisions of Division 12.5 of the California Public Utilities Code, the Authority Board may adopt an updated Expenditure Plan anytime after twenty years from the effective date

of adoption of the New Expenditure Plan, but no later than the last general election in which the New Expenditure Plan is in effect. In order to develop and adopt an updated Expenditure Plan, the Authority Board shall appoint an Expenditure Plan Update Advisory Committee, to develop the updated Expenditure Plan. A recommendation for adoption of the updated Expenditure Plan shall require a 2/3 vote of the Authority Board.

The following abbreviations are used for Sponsoring Agencies:

BART	Bay Area Rapid Transit District
Caltrans	California Department of Transportation
DAS	Department of Administrative Services
DOE	Department of the Environment
DPT	Department of Parking and Traffic
DPW	Department of Public Works
GGBHTD	Golden Gate Bridge, Highway and Transit District
MUNI	San Francisco Municipal Railway
PCJPB	Peninsula Corridor Joint Powers Board (Caltrain)
Planning SFCTA	Planning Department San Francisco County Transportation Authority
TJPA	Transbay Joint Powers Authority

Attachment 1: Expenditure Plan Advisory Committee
Roster

Tom Radulovich, Chair	At-Large Member
Gwyneth Borden, Vice Chair	Business Advisory Group
Jim Bourgart	Business Advisory Group
Gabriel Metcalf	Business Advisory Group
Duane Papierniak	Business Advisory Group
Patricia Tolar	Business Advisory Group
Val Menotti	CAC Member
Jackie Sachs	CAC Member
Roger Peters	CAC Member
Wil Din	CAC Member
Art Michel	CAC Member
James Haas	At-Large Member
Jessie Lorenz	At-Large Member
Fran Martin	At-Large Member
Bruce M. Oka	At-Large Member
Luis Pardo	At-Large Member
Pi Ra	At-Large Member
Norman Rolfe	At-Large Member
Michael Smith	At-Large Member
Dave Snyder	At-Large Member
Andrew Sullivan	At-Large Member
Elizabeth Dunlap	CAC Alternate
Terry Micheau	CAC Alternate
Ben Tom	CAC Alternate
Michael Kiesling	At-Large Alternate
Dennis J. Oliver	At-Large Alternate
David Pilpel	At-Large Alternate
Brett Orlanski	At-Large Alternate

